

BEFORE THE BOARD OF OIL, GAS, AND MINING

DEPARTMENT OF NATURAL RESOURCES

STATE OF UTAH

IN THE MATTER OF THE ORDER TO	:	
SHOW CAUSE ISSUED TO TONY PECK	:	DIVISION RECOMMENDATION
AND THOMAS J. PECK & SONS, IN-	:	
CORPORATED REGARDING THE FAIL-	:	DOCKET NO. 87-023
URE TO OBTAIN MINING APPROVALS	:	CAUSE NO. M/023/011
FOR THE NEPHI GYPSUM QUARRY	:	
LOCATED IN JUAB COUNTY, UTAH.	:	

The Division of Oil, Gas and Mining ("Division"), by and through its undersigned Assistant Attorney General, hereby makes and files the following Recommendation to the Board for action in the above-captioned matter.

1. In order to meet the requirements of § 40-8-14, Utah Code Annotated (1953, as amended in 1987), the Division recommends that the Board direct Thomas J. Peck & Sons, Incorporated ("Peck") to file a surety acceptable to the Division in the amount of \$15,000 to ensure the faithful performance of the reclamation of the Nephi Gypsum Quarry. The Division requests that the Order direct that the surety be received in the Division offices by March 23, 1988. As a sanction, the Order could direct that the result of Peck's failure to timely provide a surety acceptable to the Division in the amount set out above will be the issuance of an Order directing Peck to immediately cease mining operations at the Nephi Gypsum Quarry, including any transport of stockpiled limestone, until the surety has been received by the Division.

Further, if Peck fails to file the surety by May 25, 1988, the Division recommends that, pursuant to § 40-8-12.5, the Board direct Peck to permanently cease mining operations and completely restore the quarry site to a pre-mining condition.

2. In order to meet the requirements of § 40-8-13(1)(a) U.C.A., the Division recommends that the Board direct Peck to submit a complete and adequate revised Mining and Reclamation Plan to the Division by March 23, 1988. As a sanction, the Order could direct that the result of Peck's failure to timely provide a complete and adequate MRP will be the issuance of an Order directing Peck to immediately cease mining operations at the Nephi Gypsum Quarry, including any transport of stockpiled limestone, until the MRP has been received by the Division.

Further, if Peck fails to file a complete and adequate MRP by May 25, 1988, the Division recommends that, pursuant to § 40-8-12.5, the Board direct Peck to permanently cease all mining operations and completely restore the quarry site to a pre-mining condition.

3. In addition to the above recommendation, the Division has attached hereto true and correct copies of documents contained in the public files maintained by the Division. The documents are identified as:

Attachment A: Permit History, Nephi Gypsum Mine.

Attachment B: Letter dated June 29, 1987, from Lowell P. Braxton to Robert Steele.

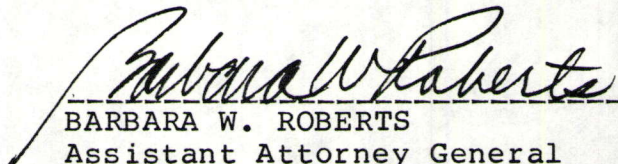
Attachment C: Letter dated March 31, 1987, from Frank Filas to Robert Steele.

Attachment D: Letter dated February 14, 1987, from Lowell P. Braxton to Robert Steele.

Attachment E: Notice of Intention to Commence Mining Operations and Mining and Reclamation Plan.

Attachment F: Letter dated August 21, 1985, from Lowell P. Braxton to Tony Peck.

Respectfully submitted this 11th day of January, 1988.



BARBARA W. ROBERTS
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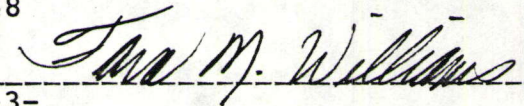
CERTIFICATE OF MAILING

This is to certify that a true and correct copy of the foregoing Division Recommendation was mailed first class, postage prepaid, to the following this 11 day of January, 1988.

THOMAS J. PECK AND SONS, INCORPORATED
c/o Roger Tom Peck
445 South 600 East
Lehi, Utah 84043

TONY PECK
765 South 600 East
Lehi, Utah 84043

ROBERT STEELE
1055 North 400 East
Nephi, Utah 84648



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